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08 JUL 23 PM 3:45

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

KNR DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

June 2008 Grand Jury 08 CR 2431 JLS

10 UNITED STATES OF AMERICA,)	Criminal Case No. _____	
11 Plaintiff,)	I N D I C T M E N T	
12 v.)	Title 21, U.S.C., Secs. 841(a)(1), 841(b)(1) and 846 - Conspiracy to Distribute Heroin; Title 21, U.S.C., Sec. 853 - Criminal Forfeiture	
13 PAUL MICHAEL PADILLA (1),)		
14 EMMANUEL BAUTISTA (2),)		
15 MARLO WILLIAM RINES (3),)		
16 JOSE RAUL AYALA (4),)		
17 WILLIAM GOMEZ-GARCIA (5),)		
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Defendants.)	

18 The grand jury charges:

19 Count 1

20 Beginning at a date unknown to the grand jury and continuing up
 21 to and including July 12, 2008, within the Southern District of
 22 California, and elsewhere, defendants PAUL MICHAEL PADILLA, EMMANUEL
 23 BAUTISTA, MARLO WILLIAM RINES, JOSE RAUL AYALA and WILLIAM GOMEZ-
 24 GARCIA did knowingly and intentionally conspire together and with each
 25 other and with other persons known and unknown to the grand jury to
 26 distribute 1 kilogram and more of heroin, a Schedule I Controlled
 27 Substance; in violation of Title 21, United States Code,
 28 Sections 841(a)(1), 841(b)(1) and 846.

DDL:nlv(1):San Diego
7/22/08

1 FORFEITURE ALLEGATION

2 Count 1 of this indictment is hereby realleged and by reference
3 is fully incorporated herein to allege forfeiture to the United States
4 of America pursuant to the provisions of Title 21, United States Code,
5 Section 853.

6 1. As a result of the commission of the felony offense alleged
7 in Count 1, a violation punishable by imprisonment for more than one
8 year, and pursuant to Title 21, United States Code, Section 853(a)(1),
9 defendants PAUL MICHAEL PADILLA, EMMANUEL BAUTISTA, MARLO WILLIAM
10 RINES, JOSE RAUL AYALA and WILLIAM GOMEZ-GARCIA shall, upon
11 conviction, forfeit to the United States all their rights, title, and
12 interest in all property constituting, and derived from, any proceeds
13 the defendants obtained, directly or indirectly, as the result of the
14 commission of the violation alleged in Count 1 of this indictment.

15 2. As a result of the commission of the felony offense alleged
16 in this indictment, said violation being punishable by imprisonment
17 for more than one year and pursuant to Title 21, United States Code,
18 Section 853(a)(2), defendants PAUL MICHAEL PADILLA, EMMANUEL BAUTISTA,
19 MARLO WILLIAM RINES, JOSE RAUL AYALA and WILLIAM GOMEZ-GARCIA shall,
20 upon conviction, forfeit to the United States all their rights, title
21 and interest in any and all property used, or intended to be used, in
22 any manner or part, to commit or to facilitate the commission of the
23 violation alleged in Count 1 of this indictment, including but not
24 limited to \$114,000.00 in United States currency.

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1 3. If any of the forfeitable property referred to above, as a
2 result of any act or omission of the defendants,
3 a. cannot be located upon the existence of due diligence;
4 b. has been transferred or sold to or deposited with a
5 third person;
6 c. has been placed beyond the jurisdiction of the Court;
7 d. has been substantially diminished in value; or
8 e. has been commingled with other property which cannot
9 be subdivided without difficulty; it is the intent of the United
10 States, pursuant to Title 21, United States Code, Section 853(p), to
11 seek forfeiture of any other property of the defendants up to the
12 value of the above forfeited property.

13 All pursuant to Title 21, United States Code, Section 853.

14 DATED: July 23, 2008.

15 A TRUE BILL.
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17 _____
18 _____
19 _____

Foreperson

20 _____
21 KAREN P. HEWITT
22 United States Attorney

23 _____
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28 _____
By: 
DAVID D. LESHNER
Assistant U.S. Attorney